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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,515	01/23/2001	Ernest Paul Goately	41616/VGG/B6	8569

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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/744,515

Applicant(s)

GOATLEY, ERNST PAUL

Examiner

Melody M. Burch

Art Unit

3683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see number 5.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 3. Applicant's reply has overcome the following rejection(s): upon entry it appears that Applicant's amendments overcome the claim objections.

Continuation of 5. does NOT place the application in condition for allowance because: in claim 4 Applicant changes "consists of" to --comprises-- which changes the scope of the claim since "consists of" is a closed-ended term and "comprises" is open-ended. In claim 15 Applicant changes the phrase "one" solenoid being connected to a means to --each-- solenoid being connected to a means which also requires further consideration and/or search. Applicant also deleted several phrases in the claims resulting in the claim scopes being broadened instead of simplified for the purpose of appeal. For example, in claims 6 and 8 Applicant removed the phrase "said casing being mounted upon said hub but not rotatable therewith". Also, in claims 11, 12, 13, and 15 Applicant removed the phrase "from which the synchro hubs and cones have been removed". The above examples are not intended to be exhaustive. In a telephone discussion on January 8, 2004, Examiner agreed to obtain an English translation of the JP-9112636 (JP '636) reference. The English translation has been received and submitted along with this advisory action and the arguments regarding the JP '636 reference will now be addressed. Applicant argues that JP '636 does not disclose means for supplying fluid through an exterior of the hub to a first face of the at least one piston so as to move the at least one piston in a first direction. Examiner notes that in lines 4-10 on pg. 10 of the English translation there is a description of a means (or a hydraulic pump) for supplying fluid (pressurized oil) through an exterior of the hub 41 to a first face of the at least one piston 45F, 45B so as to move (or actuate) the at least one piston in a first direction.

Continuation of 10. Other: A copy of the English translation of JP-9112636 has been provided..

mmp
1/29/04

Matthew C. Graham
1/29/04
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